

EXHIBIT 5B

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1 then? Because I thought you said you --
 2 A No.
 3 Q -- stayed the same.
 4 A There was a talk of putting me back to a
 5 three, but I stayed a four.
 6 Q You stayed a four?
 7 A I stayed a four, yes.
 8 Q And your pay stayed the same?
 9 A Yes.
 10 Q So you kept --
 11 A Yes.
 12 Q -- the bump that you had when you were a
 13 team --
 14 A Yes.
 15 Q -- lead; correct?
 16 A But I didn't get any more money.
 17 Q Okay.
 18 THE VIDEOGRAPHER: I have to change the
 19 tape.
 20 MR. ROSSMAN: All right. Well, we're --
 21 I mean, it's 6:00 o'clock so --
 22 THE VIDEOGRAPHER: Off video.
 23 (Deposition adjourned at 6:00 p.m.)
 24 ---
 25

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1 CERTIFICATE
 2
 3 I hereby certify that the foregoing
 4 transcript was reported, as stated in the caption;
 5 that the witness was duly sworn and elected to reserve
 6 signature in this matter; that the colloquies,
 7 questions and answers were reduced to typewriting
 8 under my direction; and that the foregoing pages 1
 9 through 62 represent a true, correct, and complete
 10 record of the evidence given.
 11 The above certification is expressly
 12 withdrawn and denied upon the disassembly or
 13 photocopying of the foregoing transcript, unless said
 14 disassembly or photocopying is done under the auspices
 15 of Hundt Reporting, LLC and the signature and original
 16 seal is attached thereto.
 17 I further certify that I am not a
 18 relative or employee or attorney of any party, nor am
 19 I in any way interested in the result of said case.
 20 Pursuant to Article 8B of the Rules and
 21 Regulations of the Board of Court Reporting of the
 22 Judicial Council of Georgia, I make the following
 23 disclosure: That I am a Georgia Certified Court
 24 Reporter, here as an independent contractor for Hundt
 25 Reporting, LLC; that I was contacted by the offices of
 Hundt Reporting, LLC to provide court reporting
 services for this deposition; that I will not be
 taking this deposition under any contract prohibited
 by O.C.G.A. 15-14-37 (a) or (b); that I have no
 written contract to provide reporting services with
 any party to the case, any counsel in the case, or any
 reporter or reporting agency from whom a referral
 might have been made to cover this deposition; and
 that I will charge my usual and customary rates to all
 parties in the case.
 This, the 31st day of October, 2008.
 DANIEL M. GERSHWIN, CCR-B-1012

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1 ERRATA SHEET
 2 Pursuant to Rule 30(e) of the Federal Rules
 3 of Civil Procedure and/or O.C.G.A. 9-11-30(e), any
 4 changes in form or substance which you desire to make
 5 to your deposition testimony shall be entered upon the
 6 deposition with a statement of the reasons given for
 7 making them.
 8 To assist you in making any such
 9 corrections, please use the form below. If
 10 supplemental or additional pages are necessary, please
 11 furnish same and attach them to this errata sheet.
 12 ---
 13 I, the undersigned, CATHY BARDAY,
 14 do hereby certify that I have read the foregoing
 15 deposition and that said transcript is true and
 16 accurate, with the exception of the following changes
 17 noted below, if any:
 18 Page ____/Line ____/Should Read: ____
 19 Reason: ____
 20 Page ____/Line ____/Should Read: ____
 21 Reason: ____
 22 Page ____/Line ____/Should Read: ____
 23 Reason: ____
 24 Page ____/Line ____/Should Read: ____
 25 Reason: ____

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1 Page ____/Line ____/Should Read: ____
 2 Reason: ____
 3 Page ____/Line ____/Should Read: ____
 4 Reason: ____
 5 Page ____/Line ____/Should Read: ____
 6 Reason: ____
 7 Page ____/Line ____/Should Read: ____
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 9 Page ____/Line ____/Should Read: ____
 10 Reason: ____
 11 Page ____/Line ____/Should Read: ____
 12 Reason: ____
 13 Page ____/Line ____/Should Read: ____
 14 Reason: ____
 15 Page ____/Line ____/Should Read: ____
 16 Reason: ____
 17 Page ____/Line ____/Should Read: ____
 18 Reason: ____
 19 Page ____/Line ____/Should Read: ____
 20 Reason: ____
 21 CATHY BARDAY
 22 Sworn to and subscribed before me,
 23 _____, Notary Public.
 24 This _____ day of _____, 2008.
 25 My Commission Expires: _____

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 CHARLES SEWARD,)
Individually and on Behalf)
4 of All Others Similarly) 08 CIV 3976 (KMK)
Situating,)
5) ECF CASE
Plaintiff,)
6)
vs.)
7)
INTERNATIONAL BUSINESS)
8 MACHINES CORPORATION,)
D/B/A IBM CORP.,)
9)
Defendant.) Volume II of II
10) Pages 66-184

11 Videotaped deposition of CATHY BARDAY, taken
12 on behalf of the Defendant, pursuant to the
13 stipulations contained herein, in accordance with the
14 Federal Rules of Civil Procedure, before Thomas R.
15 Brezina, Certified Court Reporter, at 1420 Peachtree
16 Street, NE, Atlanta, Georgia, on the 24th day of
17 October, 2008, resuming at the hour of 8:30 a.m.

18
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| 11 | | Cathy S. Barday dtd | |
| 12 | D3 | 10/17/07 | |
| | | E-mail dtd 02/12/2006 | 133 |
| | | from Kerry Bethea to | |
| | | Cathy Barday | |

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1 THE VIDEOGRAPHER: On video.

2 CATHY BARDAY

3 having been previously duly sworn, was examined

4 and testified as follows:

5 EXAMINATION

6 BY MR. ROSSMAN:

7 Q Hello, Miss Barday. How are you today?

8 A I'm better than I deserve. How are you?

9 Q Very good. I'm well. I'm doing well. You

10 understand you are still under oath from yesterday?

11 A Yes, I do.

12 Q Now, when you were a teleservices rep in --

13 during the time that you were also a team lead for

14 Mr. Bethea, I believe you said you worked at the

15 Riverdale building; is that correct?

16 A No. Riveredge.

17 Q Riveredge. Okay.

18 A And as teleservices we moved to Smyrna

19 Highlands and then back to Riveredge, and that was

20 because we lost the lease over there.

21 Q When were you at Smyrna Highlands?

22 A I don't remember the exact year, but we

23 were --

24 Q Was it prior to 2005?

25 A I don't remember the year.

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1 Q During the time that you were a team lead

2 for Mr. Bethea, were you at the Riveredge building?

3 A Yes.

4 Q And when you went back to being a senior

5 teleservices rep, were you still at the Riveredge

6 building?

7 A Was at Smyrna Highlands, and then went back

8 to Riveredge.

9 Q Okay. So at some time in there you were

10 Smyrna Highlands?

11 A Yes.

12 Q Do you remember if you were a team lead or

13 a senior teleservices rep when you were at the Smyrna

14 building?

15 A I was a teleservices rep.

16 Q Now, the first time you were at Riveredge,

17 so that -- so when you were a team lead and then I

18 guess for a little while, while you were a

19 teleservices rep?

20 A I started as a teleservices rep at

21 Riveredge.

22 Q Right. Right. Right. But what I'm

23 talking about is -- is -- okay. Well, strike that.

24 The first time you were at the Riveredge building, can

25 you describe the layout of the area in which you

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1 worked?
 2 A For what department?
 3 Q The time you were in IBM Teach?
 4 A The layout of the department?
 5 Q Correct.
 6 A And what do you mean by that?
 7 Q What did it look like? What was your work
 8 area?
 9 A A cubicle.
 10 Q And were your co-workers in cubicles as
 11 well?
 12 A They were.
 13 Q How big was the area?
 14 A The cubey?
 15 Q Sure.
 16 A I don't know square footage.
 17 Q Can you estimate?
 18 A No.
 19 Q You have no idea how big the cubicle was?
 20 A Big enough to have a chair and a little
 21 surround, a little overhead to store your stuff, and a
 22 drawer to put your things. Not big.
 23 Q How high were the walls? About four or
 24 five feet?
 25 A I don't know. I never measured the walls.

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1 Q Could you see over them when you were
 2 sitting down?
 3 A The cubicle walls, or the --
 4 Q Yes, the cubicle walls?
 5 A Cubicle walls? No.
 6 Q Do you know about how many cubicles there
 7 were in the IBM Teach area?
 8 A No. Not all were filled. No.
 9 Q But the point is, you could not see your
 10 co-workers? When you were at work in your cubicle,
 11 you could not see your co-workers?
 12 A In my cubicle. That's not true for all
 13 cubicles. In my cubicle.
 14 Q Right. In your cubicle you could not see
 15 your co-workers?
 16 A My back was to the center.
 17 Q So you didn't know what they were doing?
 18 A Not unless I got up and looked.
 19 Q And you could not see them coming and
 20 going?
 21 A If I turned around, I could.
 22 Q Normally --
 23 A And I had a -- and I had a little mirror,
 24 and I could see from my mirror.
 25 Q Okay.

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1 A We were all required to keep a little
 2 mirror.
 3 Q Why were you required to keep a mirror?
 4 A IBM gave it out, and you were supposed to
 5 display it prominently in your little workstation.
 6 Quality. It had quality on it.
 7 Q Really? Where did you display yours?
 8 A Right there beside my computer.
 9 Q Well, did you use the mirror to keep an eye
 10 on your co-workers?
 11 A I just had it there.
 12 Q So the bottom line is, you didn't follow --
 13 you didn't follow your co-workers' comings and goings
 14 when you were in IBM Teach?
 15 A That's not true.
 16 Q How is it not true?
 17 A I was not in the same cubicle the whole
 18 time. Our workstations were changed.
 19 Q So at what point in time were you in the
 20 cubicle we were just discussing?
 21 A I can't say a year. I don't remember a
 22 year.
 23 Q You have no idea when you were in the
 24 cubicle we were just discussing?
 25 A I don't know years. I'm not good on years,

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1 no.
 2 Q Can you give me any idea of when you were
 3 in that cubicle?
 4 A I can't.
 5 Q You cannot?
 6 A I can't.
 7 Q So it could have been -- when did you start
 8 in IBM Teach? 1998?
 9 A In '98.
 10 Q And it could have been in 2006 when you
 11 left IBM Teach?
 12 A Had relocated workstations. Had come back
 13 from Smyrna Highlands. Was not in the same
 14 workstation.
 15 Q At what point in time were you in -- well,
 16 strike that. So at other periods in time you were in
 17 a cubicle when you could see your co-workers?
 18 A I was.
 19 Q And you don't know what point in times
 20 those were?
 21 A I don't.
 22 Q Please describe the cubicle in which you
 23 could see your co-workers?
 24 A It had low walls. Instead of the full
 25 wall, it had a half wall. You could see over it.

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1 Q What building was that in?
 2 A Riveredge and at Smyrna Highlands.
 3 Q Okay. So at Smyrna Highlands the -- how
 4 long were you at Smyrna Highlands?
 5 A Approximately -- approximately -- very
 6 approximate. A little over a year, possibly.
 7 Q And you don't remember what year that was?
 8 A I don't.
 9 Q But it was at some point when you were
 10 senior teleservices rep?
 11 A I was.
 12 Q Now, regardless of whether or not you could
 13 -- which cubicle you were in, did you keep track of
 14 your co-workers comings and goings?
 15 MR. ZOURAS: I'm going to object that it's
 16 vague. You could answer.
 17 THE WITNESS: Rephrase that. As a senior
 18 teleservices rep, or as a team lead?
 19 BY MR. ROSSMAN:
 20 Q As a senior teleservices rep? Did you
 21 monitor the time your co-workers arrived at work?
 22 A As a team lead, yes.
 23 Q As a senior teleservices rep, did you?
 24 A Where?
 25 Q At any point in which you were a senior

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1 teleservices rep?
 2 A I did.
 3 Q When?
 4 A At Smyrna.
 5 Q Why?
 6 A I was asked to.
 7 Q Who asked you to?
 8 A Manager.
 9 Q Which manager?
 10 A Kerry Bethea.
 11 Q What did he ask you to do?
 12 A He asked me to continue doing the DOR
 13 report, which required that I monitor the -- the
 14 employees' comings and goings because the new team
 15 lead was not trained yet.
 16 Q How long -- how long did you continue to
 17 maintain that report?
 18 A I don't know an exact time frame. Until
 19 she was trained.
 20 Q Well, are we talking a week or two, or are
 21 we talking six months?
 22 A No. More than a few weeks.
 23 Q But you don't know how long?
 24 A No.
 25 Q And with that -- with the DOR report that

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1 you were maintaining while you were a team lead and
 2 for some undefined point in time thereafter, what
 3 exactly was your role? You were compiling the report?
 4 A As I did as team lead. The same thing,
 5 yes.
 6 Q And then you would pass the report on to
 7 Mr. Bethea?
 8 A Yes.
 9 Q Did you maintain a copy of that report?
 10 A No.
 11 Q Now, I believe yesterday you testified that
 12 Mr. Bethea asked you to alter -- alter a DOR report;
 13 is that correct?
 14 A More than once.
 15 Q More than once he asked you to do that?
 16 But you never did it?
 17 A I did not.
 18 Q Did you ever see a -- do you know whether
 19 or not Mr. Bethea altered any DOR reports?
 20 A I do.
 21 Q How do you know that?
 22 A I saw the altered report.
 23 Q He showed it to you?
 24 A I saw the finished report, yes.
 25 Q How many times did you see an altered DOR

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1 report?
 2 A More than once.
 3 Q Do you know how many times?
 4 A I don't.
 5 Q Did you complain to anyone that Mr. Bethea
 6 had instructed you to alter a DOR report?
 7 A I mentioned it to Jane Jessup.
 8 Q And who is Jane Jessup again?
 9 A The guru of the DOR reports.
 10 Q The guru?
 11 A The guru. The lady who knew all, the lady
 12 to contact if there were a problem, if you wondered
 13 about figures or formulas. She was the lady who got
 14 the system report, and she also got a copy of the
 15 completed report to look at if there was any question.
 16 Q And what was -- what was her position?
 17 Miss Jessup?
 18 A Don't know her exact title.
 19 Q What department was she in?
 20 A I --
 21 Q Was she a manager?
 22 A I don't know.
 23 Q Did you report to her?
 24 A I did not.
 25 Q What did you say to Miss Jessup?

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1 A I looked at the report because I had a
 2 question on the report about one of the employees'
 3 attendance, and I said, now, how do you exactly get at
 4 the formula to get this? Am I doing it right?
 5 Because I questioned -- I thought perhaps I didn't
 6 know the formula correctly. I had it written down. I
 7 said, Jane, tell me, is this the right formula, or is
 8 there something else that I need to do?
 9 And she said, no, you're doing it exactly
 10 right.
 11 I said, well, then how can the numbers
 12 here fit into this when these numbers aren't the same
 13 numbers? And she recalculated. I said, would you
 14 recalculate?
 15 She said, yes. She said, no. She said,
 16 but --
 17 I said, that's the final report.
 18 And she said, yes.
 19 Q Was that the only conversation that you had
 20 with Miss Jessup about altered DOR reports?
 21 A No. The DOR report, it happened again.
 22 Q Well, okay. So during your next
 23 conversation with Miss Jessup, what did you say?
 24 A The same thing. Would you recalculate?
 25 Would you verify the numbers?

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1 Q How often did you ask Miss Jessup to verify
 2 the numbers?
 3 A Oh, I don't remember the exact number of
 4 times.
 5 Q Do you have any idea of the number of
 6 times?
 7 A No.
 8 Q Did you ever complain to Mrs. Jessup, or
 9 Miss Jessup, that you believed the DOR reports were
 10 being altered?
 11 A I told her the numbers were not the numbers
 12 that I had worked with, and I gave her the original
 13 numbers.
 14 Q Does -- the DOR report, does it report
 15 employee-by-employee information? I'm talking about
 16 the final DOR report. Does it report
 17 employee-by-employee information, or does it report
 18 information for like the Teach group as a whole?
 19 A It does both.
 20 Q What employee-by-employee information does
 21 it report?
 22 A The employee's name. Well, which DOR
 23 report are you referring to? There's the manual and
 24 the system report.
 25 Q I'm talking about the final DOR report that

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1 you say was altered? What information --
 2 A That was the manual report.
 3 Q The manual report?
 4 A Uh-huh.
 5 Q So what does the system report show?
 6 A The system report gives totals for the
 7 department, totals by employee serial number, and the
 8 attendance totals, and then it gives a total, and then
 9 the manual report is reconciled to those totals.
 10 Q Well, what does it total? What information
 11 does the --
 12 A Daily attendance.
 13 Q The system report totals what information?
 14 A Daily attendance. It's called the daily
 15 operating report, daily operations.
 16 Q Do you have any DOR reports yourself?
 17 A No.
 18 Q Either the manual reports or the system
 19 reports or what you're calling these final altered
 20 reports?
 21 A No.
 22 Q Do you know where they are today?
 23 A No.
 24 Q Do you know what became of the original
 25 manual reports after they were turned in?

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1 A Submitted -- after they were submitted to
 2 the manager, you mean?
 3 Q Correct.
 4 A They went to the second line for approval.
 5 Q What became of them after that?
 6 A I don't know.
 7 Q Do you know where they were maintained in
 8 the department? Do you know if they were maintained
 9 in the department?
 10 A I don't know.
 11 Q I'm still not entirely clear on this.
 12 You're saying there was a -- there was a manual report
 13 that, at least for a time, you prepared; correct?
 14 A Correct.
 15 Q And there was a system report that was
 16 automatically generated or was generated by
 17 Miss Jessup; is that correct?
 18 A Generated by the system.
 19 Q By the system. Okay. And then a third
 20 report was created; is that correct?
 21 A Where do you get third report?
 22 Q Well, I'm asking you. Was a third report
 23 created?
 24 A No.
 25 Q So then what was -- what was to be

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1 reconciled? What are you saying was altered?
 2 A The system report to the manual report.
 3 Manual and system needed to agree to the numbers,
 4 because the numbers were used to measure quality,
 5 productivity, utilization of resources. How many
 6 calls came in? How many people available to answer
 7 those calls? How many calls were dropped? How much
 8 time was spent in AUX? How much time was spent on
 9 bathroom breaks? How much time was expensed for
 10 lunches?
 11 Q And on the manual reports, employees would
 12 report all of that themselves?
 13 A Yes.
 14 Q And they would -- I think you said
 15 sometimes they would keep that on an Excel spreadsheet
 16 and sometimes they would write it down on paper?
 17 A Because not all the employees were trained
 18 on Excel.
 19 Q So you would take the employee information
 20 and you would prepare an Excel spreadsheet or a
 21 spreadsheet of some sort, and that's what you're
 22 calling a manual report?
 23 A Yes.
 24 Q Now, what are you saying Mr. Bethea
 25 altered?

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1 A He altered the attendance times of the
 2 employees.
 3 Q On which report?
 4 A The manual report.
 5 Q So you're saying that you would prepare a
 6 report from information that employees had handwritten
 7 or kept in Excel or I suppose kept in some other
 8 format? You would prepare one report, and then you're
 9 saying Mr. Bethea would take that report, and what
 10 would he change on it?
 11 A He would change the numbers, the total
 12 numbers.
 13 Q How could you tell the numbers were
 14 changed?
 15 A I was there when he did it.
 16 Q You watched him do it?
 17 A I saw him do it. I submitted it. He said,
 18 no. He said, this is not right. This is not right.
 19 We need this to be this. What was our service level?
 20 What did the system say? Oh, no. We need to do this,
 21 this.
 22 And I -- I said, you can't do that,
 23 because it's not true. He did it anyway.
 24 Q How many times did you see Mr. Bethea alter
 25 one of the manual reports?

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1 A I don't remember the exact number, but more
 2 than once.
 3 Q More than five?
 4 A I can't say. I don't recall.
 5 Q So more than once, but you can't recall
 6 whether it was more or less than five?
 7 A I can't.
 8 Q The first time you saw Mr. Bethea change
 9 one of the manual reports, what exactly was he
 10 changing?
 11 MR. ZOURAS: Objection that it's asked and
 12 answered. You can answer it.
 13 MR. ROSSMAN: I don't think it's been
 14 answered.
 15 BY MR. ROSSMAN:
 16 Q But what exactly was he changing?
 17 MR. ZOURAS: Same objection. You can
 18 answer. You can answer.
 19 THE WITNESS: Oh. He altered the employees'
 20 attendance, as I said before.
 21 BY MR. ROSSMAN:
 22 Q What else?
 23 A He altered the calls, the number of calls
 24 received.
 25 Q What else?

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1 A Those two are the two that I recall that he
 2 altered.
 3 Q Now, the other time or times that you saw
 4 Mr. Bethea alter one of the manual reports, what was
 5 he altering?
 6 A The same things: Number of calls and
 7 attendance times. Attendance means not just coming in
 8 and going but on the phone, off the phone, bathroom,
 9 lunch. The activities in a day's work.
 10 Q So just so I understand this, it would --
 11 what was altered in terms of attendance would be the
 12 -- the times that employees reported logging into the
 13 phone?
 14 A Yes. And/or if an employee was absent,
 15 that employee would be shown it's there, that they
 16 were absent. If the employee left early, their time
 17 would be shown that they were there, they were not
 18 there, or if it was a time when we had less calls,
 19 then the employee activity would be altered
 20 accordingly because our service level was measured by
 21 number of calls received versus employees available to
 22 answer those calls.
 23 Q In terms of the number of calls received,
 24 you said that would be altered as well. How would
 25 that be altered? Would he increase the reported

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1 number of calls? Decrease the reported number of
 2 calls? What would he do?
 3 A As I said, you take the number of bodies
 4 that you have versus the number of calls received.
 5 You look at that. You look at service levels,
 6 measured by the report. You say, what do I need to do
 7 to make that favorable, and you alter accordingly. If
 8 you need to alter the number of calls, you alter that.
 9 If you need to alter the employees' attendance, you
 10 alter that, but you make it work.
 11 Q I'm asking a very specific question. What
 12 you saw the first time -- let's stick with the first
 13 time that you saw Mr. Bethea alter a report. You said
 14 he altered the number of calls. I want to know how he
 15 did that in terms of, what did he change? Did he --
 16 A I didn't say that he altered the number of
 17 calls first. I said the first time I saw it, he
 18 altered the attendance.
 19 Q At any point in time did you see him alter
 20 the number of calls?
 21 A I did.
 22 Q What exactly was he changing?
 23 A The number of calls.
 24 Q In terms of what?
 25 A I don't understand the --

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1 Q The number of calls, for example, that the
 2 group received? The number of calls that individual
 3 employees handled?
 4 A The number of calls that came in on the
 5 Avaya system.
 6 Q So the total number of calls the group
 7 received, or the number of calls individual employees
 8 received, or both?
 9 A It becomes both. The number of calls that
 10 come in on each phone line add up to the total number
 11 of calls received per day vis-a-vis per month.
 12 Q I understand there may be a roll-up
 13 function of some sort, but I'm trying get at what it
 14 is you say he, Mr. Bethea, altered?
 15 A The number of calls.
 16 Q The number of calls for what? For
 17 individual employees? For every employee, for
 18 example?
 19 A Per set employee. It would be what he
 20 needed to alter to maintain the correct service level
 21 so that we looked good as a department, which
 22 ultimately affected the total. You're altering the
 23 total. It doesn't matter which individual you alter.
 24 You alter -- the net effect is the total is altered,
 25 and altering the total helps you to achieve the

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1 service level that you need to achieve in order to
 2 look good, get a satisfactory or better rating.
 3 Q Now, the spreadsheet that you say that he
 4 altered, where was that maintained when you created
 5 it?
 6 A I had soft copy, and I printed hard copy
 7 and gave him hard copy. Also sent him soft copy.
 8 Q And the -- the alterations that you say he
 9 made, I assume he must have made those to the soft
 10 copy?
 11 A He made them to the hard copy. I don't
 12 know if he made them to the soft copy. I never saw
 13 that.
 14 Q So how would he make them? Handwrite them?
 15 A With his pen and hand, yes. Right there at
 16 his desk.
 17 Q Do you know if anyone made changes to the
 18 soft copy?
 19 A I'm sorry? Repeat.
 20 Q Do you know if anyone -- after the time
 21 that you say you saw Mr. Bethea make changes to the
 22 hard copy with his pen, do you know if anyone then
 23 went back to the soft copy and made changes there?
 24 A I don't know.
 25 Q Did you ever check to see whether changes

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1 had been made to the soft copy?
 2 A I had no access to his computer, his
 3 password. How would I know that? I couldn't.
 4 Q So the answer is no?
 5 A The answer is no, I couldn't.
 6 Q The -- are you aware of any changes being
 7 made to the system-generated report by Mr. Bethea or
 8 anyone else?
 9 A I had no access, no.
 10 Q So you're not aware of any changes being
 11 made to the system report?
 12 A To the system-generated report, and -- are
 13 you referring to the DOR report here?
 14 Q Correct.
 15 A No, I'm not aware.
 16 Q Are you aware of anyone making changes to
 17 the data that -- that underlie the system DOR reports?
 18 A I'm not. I was not on that input level,
 19 no.
 20 Q So you're not aware of that data being
 21 changed?
 22 A Not on the system-generated reports, no.
 23 Q Did you ever see the paychecks of any of
 24 your co-workers?
 25 A No.

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1 Q While you were in IBM Teach do you know if
 2 any of your co-workers received overtime? Overtime
 3 payments?
 4 A No.
 5 Q You have no knowledge of that --
 6 A No.
 7 Q -- at all?
 8 A No.
 9 Q You don't know whether it happened? You
 10 don't know whether it didn't happen?
 11 A No. I know it -- I don't know. Paychecks
 12 were electronic, not paper. Confidential.
 13 Q And whether or not -- you never discussed
 14 with any of your co-workers whether or not they
 15 received overtime in IBM Teach?
 16 A We discussed that we were not paid for
 17 logging on early.
 18 Q Who did you discuss that with?
 19 A My co-workers, as I stated yesterday.
 20 Q Oh, that same group that you talked about
 21 yesterday?
 22 A That's right.
 23 Q And that conversation took place after you
 24 received the -- the e-mail from Mr. Bethea --
 25 A It did.

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1 Q -- discussing it?
 2 A It did.
 3 Q Now, when you were team lead, I think you
 4 said that you would -- you would sometimes be on the
 5 phones; is that correct?
 6 A Yes.
 7 Q Do you know what percentage of your time
 8 was spent on the phones when you were a team lead?
 9 A I don't.
 10 Q Can -- do you have any idea?
 11 A I don't. It was on a need basis.
 12 Q So you -- is there any way that you could
 13 estimate on average how much time you spent on the
 14 phones?
 15 A No.
 16 Q Is there any document that would allow you
 17 to estimate the time you spent on the phones as a team
 18 lead?
 19 A No.
 20 Q Now, at some point you ceased being a team
 21 lead, correct, and you went back to being a senior
 22 teleservices rep?
 23 A Yes.
 24 Q How did your duties change when you became
 25 a senior teleservices rep after being a team lead?

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1 A I was on the phone again.
 2 Q So you were on the phone full-time?
 3 A Yes.
 4 Q Is there -- so you were the senior
 5 teleservices rep. Was there a regular teleservices
 6 rep, or just a teleservices rep position?
 7 A Yes.
 8 Q What was the difference between your job as
 9 a senior teleservices rep and the more general
 10 teleservices rep?
 11 A Additional duties.
 12 Q What were those additional duties?
 13 A Being assigned to work a queue.
 14 Q What else?
 15 A That's it.
 16 Q That was it?
 17 A Yeah.
 18 Q And the queue, was that the -- the Internet
 19 fallout or the Web fallout that you were talking about
 20 yesterday?
 21 A For me, yes. But there were other queues.
 22 Ed card queue, credit card queue. You would not be
 23 given all those, and you could not be given all those,
 24 because it would be a control violation.
 25 Q Now, your work with the fallout queue, is

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1 that how you refer to it?
 2 A That's -- that's pretty good.
 3 Q The fallout queue, now --
 4 A The direct queue is the name of it.
 5 Q That's probably -- we'll use that, then.
 6 The direct queue, what did your work with that
 7 involve?
 8 A It involved taking a look at those Internet
 9 enrollments that customers had attempted either the
 10 day before or during the course of the day because
 11 during that day some customers didn't want to call in.
 12 They wanted to go on the Web and try to do their
 13 enrollment, so it involved those that failed,
 14 determining why those failed and then working towards
 15 a satisfactory resolution, if that meant getting
 16 customer number or it meant calling the customer.
 17 Perhaps they were not sure of the course
 18 code and we could not determine from the system what
 19 it might have been, or getting with Charles -- the
 20 credit card was not approved. Getting him to get us
 21 verification that the credit card was all right if
 22 they were using credit card for enrollment.
 23 Q Do you know what -- during the time period
 24 that you worked on this direct queue, what percentage
 25 of your time was spent on the queue?

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1 A I don't have a feel for a percent.
 2 Q Did it increase the total number of hours
 3 that you worked?
 4 A Yes.
 5 Q How so?
 6 A The direct queue would be in there in the
 7 morning when I came in, and those needed to be worked
 8 that day, preferably by noon. The rule was that when
 9 a call came into the direct queue and it failed during
 10 the day, it should be resolved within two hours from
 11 the time it entered and fell out, and that was to
 12 prevent customer -- sat issues with the customer.
 13 Q So how did it increase the number of hours
 14 that you worked?
 15 A Well, as I said, those calls -- those
 16 fallout calls were in the queue in the morning when I
 17 came in. I needed to work those before I got on the
 18 phone as much as possible because I also had to be
 19 available to take the calls. I couldn't go into AUX,
 20 work the direct queue, and miss a customer call. That
 21 would show a failed customer call that I did not
 22 answer, and that was a strike against me.
 23 Q Sometimes when you were working direct
 24 queue, would you need to call the customer?
 25 A Yes.

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1 Q So during those times you could not be
 2 available to take an incoming call; correct?
 3 A Had to contact the team lead and say, I
 4 need to make a call to the customer, get an okay, and
 5 the team lead would say yes or no; we have calls; you
 6 can't call now.
 7 Q And you had to do that every time you
 8 needed to --
 9 A Yes, you did.
 10 Q -- make a call to a customer?
 11 A Yes, you did.
 12 Q How did you contact the team lead?
 13 A Either turn around or walked up to her
 14 desk. When she was closer to me, I could turn around,
 15 but when she moved down to the end, I had to walk up
 16 to her desk. Put my phone in AUX, go down, say I'm in
 17 AUX; I need to ask -- can I call this customer? Had a
 18 fallout from the direct queue.
 19 And she'd say, let me check a minute.
 20 No, you can't, or yes, go ahead.
 21 Q Did you ever stay late to work on the
 22 direct queue?
 23 A Oh, yes.
 24 Q How often?
 25 A I don't have a feel for the number. Until

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1 the work was done.
 2 Q Was it a rare occurrence?
 3 A No. It was a frequent occurrence. As --
 4 Q What do you mean by -- I'm sorry. Go
 5 ahead.
 6 A As time went on, the -- and customers knew
 7 that we offered the direct queue, they liked it, and
 8 they started using it more and more and more.
 9 Q So you say it was a frequent occurrence
 10 that you would stay late, but you cannot give me any
 11 more concrete idea as to how often you stayed late?
 12 A No. Depended on volume, and it varied.
 13 Q Did your supervisors know you were staying
 14 late on the occasions when you did?
 15 A Oh, yes.
 16 Q How did they know?
 17 A Team lead was there with us. Either the
 18 team lead or the manager. Most the times the team
 19 lead because one of the two of them had to be there
 20 and could not leave the department unattended. They
 21 had to stay there until we closed down for the night.
 22 Q Did you ever report on totals, any of the
 23 times that you stayed late?
 24 A No.
 25 Q Did you ever ask for payment from any of

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1 the times that you stayed late?
 2 A I asked on the 44 hours but not on this
 3 because -- no.
 4 Q Setting aside the 44 hours --
 5 A Yes.
 6 Q -- that we talked about yesterday?
 7 A No.
 8 Q Now, I think you also said you could work
 9 on the queue in the morning; is that correct?
 10 A Uh-huh.
 11 Q In the morning?
 12 A Before I signed on --
 13 Q Before you signed --
 14 A -- for the calls. For the calls.
 15 Q What work could you do on the queue before
 16 you signed on for your calls?
 17 A I could go in, open up the queue, see how
 18 many were in there. I had to record each one on a
 19 piece of paper, each one that I worked on a piece of
 20 paper. And so I would look at them. I could open
 21 them up, review -- see what the problem was, get it on
 22 my paper, and then accordingly work, and I would work
 23 the easier ones first, and the ones that would take
 24 more time, I would prioritize.
 25 Q And when you say open up, you mean you

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1 would open something on the computer?
 2 A You had to access the direct queue on the
 3 computer with user ID and password, and you could only
 4 access -- if it was available, it would let you in.
 5 The system had not had a failure the night before.
 6 Q When would you check the queue? As you
 7 were -- we described yesterday the process where you
 8 would log into Avaya and you would log into your other
 9 tools. At what point in that process would you check
 10 the queue?
 11 A Once I had logged onto all my needed
 12 systems.
 13 Q So that would be the last thing you would
 14 do --
 15 A Uh-huh.
 16 Q -- is check the queue?
 17 A Before getting ready to go available for
 18 calls. If there were calls in the queue, our manager
 19 and our team lead said, go ahead and take those calls.
 20 Go ahead and go available and take those calls. Even
 21 though it was not your start time, take the calls.
 22 Q Take incoming calls?
 23 A Absolutely. Because calls would drop off,
 24 and that was a customer sat issue, plus it's a loss of
 25 service level, plus our measurements would be down.

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1 Q Teach wasn't a 24-hour operation, was it?
 2 A It was not. Let me qualify that. In the
 3 sense of us requiring to be there, it was. In the
 4 sense of -- the Internet was available when we were
 5 not there.
 6 Q Sure. You know, the Internet --
 7 A Be --
 8 Q -- I assume would be 24 hours?
 9 A Yes.
 10 Q But in terms of --
 11 A Live bodies.
 12 Q -- live bodies taking calls, that was not a
 13 24-hour --
 14 A No.
 15 Q And was there a message that customers
 16 would get? Let's say I tried to call -- well, what
 17 were the hours of -- of Teach? I know you said they
 18 varied, so we'll pick right at the time that -- that
 19 you left Teach to go to your new position?
 20 A I don't understand the question.
 21 Q Well, I'm just trying to define a point in
 22 time. So when you left Teach to go to your new
 23 position?
 24 A Over at -- where I am now?
 25 Q Yes.

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1 A Okay.
 2 Q What were Teach's hours at that time?
 3 A Well, we weren't doing Teach at that time.
 4 We were sitting and helping the Philippines.
 5 Q The last point in time when you were taking
 6 calls as part of Teach, what was --
 7 A Before we got outsourced?
 8 Q Sure. What were Teach's hours?
 9 A Okay. Teach's hours?
 10 Q Yes.
 11 A From 7 until 8, a.m. to p.m.
 12 Q So let's say I tried to call Teach at
 13 10 p.m. Would I get a recording?
 14 A You would be able -- you would get a
 15 recording, and it would tell you that you could also
 16 enroll on the Internet and that -- what our normal
 17 operating hours were.
 18 Q So your -- the normal operating hours?
 19 A It would tell you what the normal operating
 20 hours were, if you wanted to call back and the -- not
 21 to -- to use the Internet.
 22 Q And those normal operating hours again
 23 were --
 24 A Were seven to eight.
 25 Q And you typically started at eight; is that

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1 right?
 2 A No. I started at seven, and then my hours
 3 were changed a few times.
 4 Q So right before the outsource were you
 5 starting at seven, or were you starting later?
 6 A No. We started later because our call
 7 volume had already started filtering to the
 8 Philippines.
 9 Q Now, are you saying your managers told you,
 10 though, to take calls before your start time?
 11 A Yes. If there were calls in queue, sign
 12 on, you see the calls, take the calls.
 13 Q Why would there be calls in the queue,
 14 though, before your start time? I mean, if there
 15 were --
 16 A Because customers were calling, and if they
 17 wanted to call us direct -- customers don't always pay
 18 attention to the messages they get. They try,
 19 especially if it's urgent. Say they had tried the Web
 20 and it didn't work for them, or they wanted to know
 21 that they were going to get in a class and the class
 22 started that day or the next day. They needed that
 23 assurance -- they were going to travel somewhere --
 24 they would call, and they wanted to know, can you take
 25 a look? And we were told not to tell them we're not

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1 open. Take the call. Service the customer.
 2 Q Why would the call go to the queue as
 3 opposed to the -- the voice mail message or whatever
 4 it was that would give the customer the messages as to
 5 what your operating hours were?
 6 A That, we did not ever solve. It would
 7 bypass that and come in, and then some customers just
 8 kept coming in. They would sit in the queue. We
 9 don't know. That question was posed to our manager,
 10 why.
 11 Q So if I called in --
 12 A I don't know.
 13 Q -- at midnight, it's possible I could have
 14 gotten a message, and it's possible I would have gone
 15 right into the queue?
 16 A And you would have dropped off. There was
 17 a -- and I don't recall what the exact hold time was
 18 for the call to be answered, but you would drop off.
 19 I want to say five minutes, but I'm not certain of
 20 that, but it would drop off.
 21 Q How often was it when you would report to
 22 work, that there would already be calls in the queue?
 23 A I don't have a percentage.
 24 Q Was it a frequent occurrence? More than --
 25 more than once a month, say?

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1 A Oh, yes. Yes.
 2 Q More than once a week?
 3 A Yes.
 4 Q And again, I'm talking about --
 5 A Calls in queue.
 6 Q -- calls before Teach would have opened up?
 7 A Well, before -- before my seven start time.
 8 Is that what you're saying?
 9 Q Right.
 10 A Yes.
 11 Q More than once a week?
 12 A Yes.
 13 Q More than twice a week?
 14 A Are you asking on an average, or are you
 15 asking --
 16 Q Sure. On average?
 17 A On an average? Yes.
 18 Q Five times a week? Every day?
 19 A Not every day, no.
 20 Q On the occasions when this occurred, when
 21 there would be calls in the queue before 7 a.m.,
 22 before Teach opened up, are we talking one call? Ten
 23 calls? I mean, how many calls would there be in the
 24 queue?
 25 A It varied. Different type calls. It

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1 varied. If the credit card queue was down and its
 2 customers that couldn't get authorization on the
 3 credit card, there would be a lot. And as soon as
 4 Charles came in, he'd have to get on there, whether
 5 it's start time or not, and grab him, because he was
 6 one of two people that could handle the direct queue
 7 and try to get authorization, and he could access and
 8 see if it would give it or not. So it varied again,
 9 depending on type of call and the urgency of the
 10 customer.
 11 Q Was Charles queue -- was that generated
 12 from Internet customers or call customers or both?
 13 A Both. You're speaking of the credit card
 14 queue?
 15 Q The credit card queue?
 16 A Both. Both.
 17 Q Now, when we were -- a second ago we were
 18 talking about calls being in the queue prior to 7 a.m.
 19 Which queue were you talking about there? The -- the
 20 -- the general --
 21 A Call waiting queue.
 22 Q The call waiting queue. So just a normal
 23 incoming call from Teach? You were not talking about
 24 Charles queue? You were not talking about the direct
 25 queue? You weren't --

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1 A Customer calls waiting in queue to be
 2 serviced. An amalgamation of calls.
 3 Q Was that a -- an issue, and again I'm
 4 talking about calls being in the general customer
 5 queue before Teach opened up. Was that an issue
 6 throughout the time period you worked at Teach, or was
 7 it something that only occurred during certain periods
 8 of time?
 9 A No. It was an issue when I worked in Teach
 10 under Kerry Bethea.
 11 Q So the entire time you worked under
 12 Mr. Bethea?
 13 A Yes.
 14 Q How many employees would work that opening
 15 shift? Have the same start time as you? The
 16 7 o'clock start time?
 17 A I don't recall the exact number. I know of
 18 myself and Charles and Sharrie Brown, and there may
 19 have been some more, but those are the three that I
 20 recall.
 21 Q How would it be determined if there was a
 22 call in the queue before the start time? How would it
 23 be determined which of you would take that call?
 24 A If it was more than one call, jump on it.
 25 I would say, Sharrie, I'm going to jump on. I see a

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1 call in the queue, or our process was, calls in queue,
 2 and we'd look, and I say, there's one; I'll grab it.
 3 Or Sharrie would say, no, I'm going somewhere, I'll
 4 grab it, or I've got to work this. We arbitrarily
 5 decided amongst ourselves. If it was more than one,
 6 we all had jump-in.
 7 Q So the calls were not automatically routed
 8 to one person --
 9 A No.
 10 Q -- or another?
 11 A No. They would find a live body available.
 12 Bing. Then they would find the next live body, bing,
 13 and so on.
 14 Q How many floors is the Riveredge building?
 15 A I don't recall. I didn't go on all floors.
 16 Q But it's more than one floor, I take it?
 17 A Yes, sir.
 18 Q And I guess the first time that Teach was
 19 at Riveredge, what floor were you on?
 20 A We were on the third floor.
 21 Q The third floor? Were there other IBM
 22 departments or IBM groups that were on the third
 23 floor?
 24 A Yes.
 25 Q What other groups?

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1 A There was Risk 6000. Let's see. AS/400,
 2 and I believe a little piece of -- of hardware, but I
 3 don't know which group, and what was the other one?
 4 Oasis printer calls, a system IBM doesn't use any
 5 more.
 6 Q What did the Risk 6000 group do?
 7 A I don't know. I wasn't a part of that.
 8 Q How about the AS/400?
 9 A Well, AS/400 is a -- a large-scale
 10 computer, and I don't know more than that.
 11 Q So --
 12 A They service -- their hardware, they
 13 service particular hardware calls, but I don't know
 14 beyond that. I didn't work in those areas.
 15 Q And I think you mentioned there was a -- a
 16 little piece of hardware that was there. Is that
 17 AS/400, or was that something separate?
 18 A No. It was -- it was, as I understand it,
 19 engineers received calls to go out to sites and
 20 service equipment. There would be a piece of
 21 equipment failed, and it dispatched the call-in, and
 22 then that person dispatched an engineer and say, go
 23 out to this site; they have this problem with a piece
 24 of IBM equipment.
 25 Q And how about the Oasis?

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1 A Oasis printer?
 2 Q What did they do?
 3 A IBM at one time was in the printer business
 4 and serviced printer calls.
 5 Q Do you know if the -- now, employees in
 6 Risk 6000, I mean, they were taking calls; is that
 7 correct?
 8 A They were part of the call center.
 9 Q Part of the call center?
 10 A Part of the call center. We were all the
 11 call center.
 12 Q Do you know if the employees in Risk 6000
 13 needed to be prepared to take calls at the start of
 14 their shift?
 15 A Yes.
 16 Q How do you know that?
 17 A I have friends that worked in that area.
 18 Q And they told you that?
 19 A Yes. They had assigned start and stop
 20 times.
 21 Q They told you they had assigned start and
 22 stop times?
 23 A Yes, just like we did. They worked shifts
 24 like we did.
 25 Q But did they tell you that they had to be

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1 call ready at the time their shift started?
 2 A Oh, yes.
 3 Q Who told you that?
 4 A Van Grady, who was a manager in that area.
 5 Became our manager later.
 6 Q When did Van Grady tell you that?
 7 A Van Grady told me that when he came to
 8 Teach. We talked about it. At one time I had
 9 considered going over to AS/400 and working in that
 10 area.
 11 Q Well, how did the conversation come up with
 12 Mr. Van Grady when he told you that --
 13 A Well, he stayed with us until we closed,
 14 and we would talk about the call center. We -- the
 15 employees that worked late like myself, we --
 16 conversation would go, well, do other areas of call
 17 center work like we do? What are their functions?
 18 What does this one do? What does this one do? We'd
 19 talk.
 20 Q How about in AS/400? Did they have to be
 21 call ready?
 22 A Yes, they did. They worked like Risk 6000.
 23 They were the call center. Come in; leave.
 24 Q How do you know that?
 25 A I had a friend that worked there, James

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1 Garnett. He came to Teach from that area. He said it
 2 worked just like we did. It was a call center.
 3 Q What was Mr. Garnett's position in Teach?
 4 Do you know?
 5 A He was a Teach rep like myself.
 6 Q How about in the hardware group? The
 7 little piece of hardware? Did they have to be call
 8 ready?
 9 A I don't know.
 10 Q How about in the Oasis group? Did they
 11 need to be call ready?
 12 A I don't know.
 13 MR. ZOURAS: I'm sorry. Do we have a name
 14 for the hardware group? It was just called the
 15 hardware group?
 16 THE WITNESS: It was called hardware.
 17 Hardware received calls.
 18 MR. ZOURAS: Thank you. I'm sorry.
 19 BY MR. ROSSMAN:
 20 Q Do you know any of the IBM groups that were
 21 on the other floors of the Riveredge building?
 22 A Such as? Or --
 23 Q Yes. Do you know any of them?
 24 A Partner World went, but they were on the
 25 same floor as us when we moved to the fifth floor,

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1 and -- oh, what is the name of that one? Entitlement,
 2 when we moved to the fifth floor.
 3 Q Well, sticking with the time that you were
 4 at the third floor --
 5 A Uh-huh.
 6 Q -- and that was the first time that you
 7 were at Riveredge; right?
 8 A That's right.
 9 Q Do you know any other groups that were in
 10 the Riveredge building at that time?
 11 A No.
 12 Q So you would not know how those other
 13 groups operated?
 14 A No.
 15 Q So then you go -- from Riveredge you go to
 16 Smyrna. Are there multiple floors at Smyrna?
 17 A Well, from Riveredge we moved from the
 18 third floor to the fifth floor before we went to
 19 Smyrna.
 20 Q Oh, okay. Well, let's go to the fifth
 21 floor, then. Fifth floor, you -- there was Partner
 22 World, and there was Entitlement?
 23 A Uh-huh.
 24 Q Were there other groups on the fifth floor
 25 at that time?

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1 A Probably, but I don't know who they were.
 2 Q And Partner World and Entitlement, they
 3 were both call operations?
 4 A Received call.
 5 Q Received call?
 6 A Yes. Yes.
 7 Q Do you know if Partner World had to be call
 8 ready --
 9 A Yes.
 10 Q -- at the time their shift started?
 11 A Yes.
 12 Q How do you know that?
 13 A I have a friend that worked in there,
 14 Brenda Cohen.
 15 Q Brenda told you that?
 16 A Yes.
 17 Q What was Brenda's position?
 18 A She was a Partner World rep. I don't know
 19 their exact titles, but she took calls.
 20 Q So, not a supervisor?
 21 A No.
 22 Q How about Entitlement? Did they need to be
 23 call ready?
 24 A Yes.
 25 Q How do you know that?

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1 A Have friends that work there.
 2 Q Who are they?
 3 A I have one still there, Yolanda Brown.
 4 Q Anyone else?
 5 A Well, no. There were, but I don't remember
 6 names, but she still --
 7 Q You're saying Yolanda Brown told you?
 8 A Yes.
 9 Q Do you remember when she told you? What
 10 period of time?
 11 A Oh, the whole time that she was in there.
 12 She went from Teach to Entitlement. Teach at Smyrna
 13 Highlands to Entitlement.
 14 Q When did she tell you that Entitlement
 15 needed to be call ready for start of their shift?
 16 A When she went over there. We -- she called
 17 back. I said, how are things? I said, is it like
 18 this?
 19 She said, yes. She said, different type
 20 calls. I'm still in training, but it's still a call
 21 center.
 22 Q Did she specifically say she needed to be
 23 call ready, or did she just --
 24 A No. She had a assigned start time. She
 25 stated she had assigned start and stop times just like

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1 in Teach. There were calls waiting that had to be
 2 serviced.
 3 Q So she said she had an assigned start time,
 4 and she said that calls needed to be serviced?
 5 A Right.
 6 Q But did she specifically tell you that she
 7 needed to be call ready to take those calls?
 8 A Yes. She had to log onto the phone. The
 9 calls came in through the phone.
 10 Q She told you she needed to log on before
 11 the start of her shift?
 12 A Yes.
 13 Q Did she tell you what she needed to log
 14 onto?
 15 A No.
 16 Q Did she tell you how long it took to log
 17 on?
 18 A No.
 19 Q What was Yolanda's position?
 20 A At what point in time?
 21 Q Well, was Yolanda ever a supervisor?
 22 A Yolanda was assistant team lead while our
 23 team lead in Teach went on maternity leave.
 24 Q So she was a team lead?
 25 A She was a surrogate team lead, if you will.

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1 Q Assistant leader, temporary team lead?
 2 A Exactly. Exactly.
 3 Q How about in Entitlement? Do you know what
 4 her position was over there?
 5 A I don't.
 6 Q And when Yolanda was not a surrogate team
 7 lead in Teach, was she just a regular call center
 8 employee?
 9 A Yes, she was.
 10 Q Now, the employee from Partner World,
 11 Brenda Cohen?
 12 A Cohen, C-O-H-E-N, yes.
 13 Q She told you that she needed to be call
 14 ready and logged into the system while at Partner
 15 World prior to the start of her shift?
 16 A Yes.
 17 Q Did she tell you what she needed to log
 18 into?
 19 A No.
 20 Q Did she tell you how long that took to log
 21 into her system?
 22 A She -- she would say it took a long time
 23 because she had a weight problem and she was slow
 24 getting from the parking lot up to her desk, and so
 25 she had to come early, and she'd say how frustrated

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1 she was. She also stated that she got a terrible
 2 kidney infection, and it was because she couldn't get
 3 up to go to the bathroom because she was forced to
 4 stay on the phone.
 5 Q While she was in Partner World?
 6 A Yes.
 7 Q Did she leave Partner World?
 8 A No. She was hospitalized and had to take a
 9 medical leave.
 10 Q Do you remember when this was that she was
 11 hospitalized?
 12 A I don't, but there are medical records that
 13 she would have that could show that.
 14 Q Your friend in AS/400, that was -- I can't
 15 read my writing -- James Garnett; is that right?
 16 A James Garnett, uh-huh. Garnett.
 17 Q Garnett?
 18 A We called him Garnett, but James Garnett.
 19 Q Did Mr. Garnett tell you what he needed to
 20 log onto in AS/400?
 21 A He said that he logged onto the phone.
 22 They didn't have Avaya. They had the phone like we
 23 used to have when I first came to Teach. We didn't
 24 have Avaya. You logged directly into your phone, and
 25 then you could see on your phone how many calls. You

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1 had a little visual thing to tell you how many calls
 2 were in the queue. You worked from your phone instead
 3 of from the computer, but you had to log onto your
 4 computer to be able to look up information services
 5 calls.
 6 Q So for Mr. Garnett to log onto the phone,
 7 that's the system that would have just required him to
 8 punch in four or five numbers?
 9 A You had a user ID, and you had a password,
 10 and you had to wait for the phone to show available,
 11 wait for the light to come on. Sometimes that light
 12 would come on soon. Sometimes it would take several
 13 minutes for the light to come on.
 14 Q Do you know how long it took Mr. Garnett to
 15 log onto the phone when he was in AS/400?
 16 A I don't know, but he complained about it
 17 all the time.
 18 Q Do you know how long it took Mr. Garnett to
 19 log into the computer system when he was in AS/400?
 20 A I don't.
 21 Q Now, I may have asked you this, but on the
 22 fifth -- when you were on the fifth floor, when Teach
 23 was on the fifth floor, were there other groups on the
 24 fifth floor besides Teach, Partner World, and
 25 Entitlement?

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1 A I told you that that -- those were the only
2 ones that I could remember. There probably were
3 because IBM Teach group had the whole floor. We
4 didn't have at it leased out like on some floors.
5 There were other groups in there, but -- we had the
6 whole floor, but I don't know what the other ones
7 were. I just know the ones where I had people that I
8 knew.

9 Q So you didn't know anybody in those other
10 groups that you can --

11 A I may have seen -- hello, how are you,
12 but --

13 Q Nobody that you were close to?

14 A No.

15 Q Now, from the fifth floor Teach went to
16 Smyrna; is that correct?

17 A Smyrna Highlands.

18 Q Smyrna Highlands?

19 A Yes.

20 Q And is that a multi-floor building too?

21 A That is a -- like an old steel warehouse,
22 one floor.

23 Q One floor?

24 A Long, long -- it was an old warehouse that
25 was made into quarters for us.

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1 Q Do you know what other IBM groups were at
2 Smyrna Highland when you were there?

3 A I know some, not all. Jane Jessup's group
4 was there. A piece of Partner World was there. A
5 software group was there. No Entitlement.
6 Entitlement all stayed over at Riveredge. And at one
7 time some hardware was there, and then lots of the
8 sales group, primarily IBM sales, was heavy over
9 there. And there may be others, but those are ones
10 that I know of.

11 Q And Miss Jessup's group, you don't know
12 what that group was; is that right?

13 A I don't know the name.

14 Q Were they a call group, or something else?

15 A No. They were -- they were -- I can see
16 where she was seated. They were like an IT group on
17 that setup.

18 Q But not a group that was on a --

19 A On the floor like us, no. No.

20 Q And the -- the sales group or groups, what
21 did they do?

22 A I don't know a whole lot about their work.
23 Their business was to sell IBM equipment, services.
24 Don't know more than that.

25 Q Were they taking incoming calls? Do you

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1 know?

2 A I don't know.

3 Q So I take it you would not know if they
4 needed to be call ready or not as far as --

5 A I don't know that, no.

6 Q Do you know if Partner World needed to be
7 call ready at the start of their shift when they were
8 at Smyrna Highlands?

9 A Yes.

10 Q And that would have been -- your knowledge
11 of that would have been through conversations with
12 Brenda Cohen?

13 A Because she moved when they moved, yes.

14 Q And the hardware group, is that the same
15 group that we've talked about before with Mr. Garrett?

16 A With Garnett? No.

17 Q Garnett?

18 A It was a different hardware group, and I
19 don't know what their function was at Smyrna
20 Highlands, but I know I asked who they were, and I was
21 told they were a piece of hardware group.

22 Q Were they a call group? Did they take
23 incoming calls?

24 A I do not know at Smyrna Highlands. Do not
25 know. Have no knowledge of that.

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1 Q So you would not know if they needed to be
2 caller ready or not at the start of their shift?

3 A I don't know.

4 Q What was the software group at Smyrna
5 Highlands?

6 A What was it?

7 Q Yes.

8 A What do you mean by what was it?

9 Q What did they do? What was their function?

10 A I don't know all the details of their
11 function, no.

12 Q Were they a call group?

13 A They were a part of the call center. I
14 don't know how they functioned.

15 Q So at some point, then, Teach moves back
16 from Smyrna Highlands to Riveredge?

17 A Yes, because space became available. The
18 reason we moved was because the lease was lost.

19 Q And what floor did you go to at that point?

20 A Back to the fifth floor.

21 Q Back to fifth floor?

22 A Almost -- almost to the same area. Almost.

23 Q And at that point what groups were around
24 you? Was it the same groups as before?

25 A Let's see. It was altered a little bit.